APPEAL NO. 030940
FILED JUNE 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on March 11, 2003. The hearing officer determined that: (1) the appellant/cross-respondent's (claimant) left knee injury is a direct and natural result of the compensable right knee injury; (2) the claimant's back, wrist, and ankle injuries are not a direct and natural result of the compensable right knee injury; (3) the correct date of maximum medical improvement (MMI) is September 6, 1994; and (4) the Texas Workers' Compensation Commission (Commission) does not have jurisdiction to determine a new date of MMI. The claimant appeals the extent-of-injury determination with regard to the back, wrist, and ankle injuries and the MMI determinations. The respondent/cross-appellant (carrier) urges affirmance of these determinations. The carrier cross-appeals the extent-of-injury determination with regard to the left knee and the hearing officer's finding regarding the cause of the claimant's wrist and ankle injuries. The claimant responds urging affirmance.

DECISION

Affirmed.

EXTENT OF INJURY

The hearing officer did not err in making the complained-of determinations. Whether the claimed injuries directly and naturally resulted from the compensable right knee injury was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The claimant contends that her back, wrist, and ankle injuries are compensable by operation of laches because the carrier previously paid for treatment for these injuries. The Appeals Panel has considered and rejected similar arguments in prior cases. *See* Texas Workers' Compensation Commission Appeal No. 002569, decided December 13, 2000; and Texas Workers' Compensation Commission Appeal No. 950761, decided June 26, 1995. Accordingly, we perceive no legal error.

MMI

The hearing officer did not err in determining that the correct date of MMI is September 6, 1994, and the Commission does not have jurisdiction to reconsider the issue. The claimant stipulated, in a prior proceeding, that she reached MMI on September 6, 1994. A decision was issued consistent with the parties' stipulation and, in our review, the issue of MMI was not appealed. The claimant now asserts that she was coerced and given false information by the Commission to enter into the stipulation and requests a new determination that she reached statutory MMI. Notwithstanding the claimant's assertions, the previous MMI determination has become final under Section 410.169, and the Commission does not have jurisdiction to determine a new date of MMI. Texas Workers' Compensation Commission Appeal No. 000204, decided March 15, 2000.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PENNSYLVANIA** and the name and address of its registered agent for service of process is

STEPHEN BISBEE
8144 WALNUT HILL LANE
WALNUT GLEN TOWER
DALLAS, TEXAS 75231.

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Edward Vilano
Appeals Judge

CONCUR:

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Thomas A. Knapp
Appeals Judge

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Robert W. Potts
Appeals Judge